

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL MOTION HEARING**

COURT MINUTES

*In re Subpoena ad testificandum to Boston
Scientific Corporation in Innovative Health, LLC v.
Biosense Webster, Inc.*

BEFORE: Tony N. Leung
U.S. Magistrate Judge

Case No: 21-mc-57 (NEB/TNL)
Date: September 23, 2021
Court Reporter: Maria Weinbeck
Courthouse: Zoom Hearing
Courtroom: No Courtroom
Time Commenced: 3:35 p.m.
Time Concluded: 4:54 p.m.
Sealed Hearing Time: N/A
Time in Court: 1 hour and 19 minutes

HEARING ON:

A hearing was held via Zoom regarding Boston Scientific Corporation's Motion to Quash Subpoena *ad testificandum*, ECF No. 1.

APPEARANCES:

Plaintiff Boston Scientific Corporation: Kiera Murphy and Martin S. Chester, Faegre Drinker Biddle & Reath LLP

Defendant Biosense Webster, Inc.: Lauren A. Moskowitz, Cravath, Swaine & Moore LLP, and Brooks F. Poley, Winthrop & Weinstine, PA

REMARKS:

For the reasons stated on the record, which are expressly incorporated herein by reference, Boston Scientific Corporation's Motion to Quash Subpoena *ad testificandum*, ECF No. 1, was **GRANTED IN PART** as to Topics 1 and 2 and **DENIED IN PART** as to Topic 3.

Topic 3 was limited to high-level, general information regarding the existence and categorical type of any such purchasing programs or offers. Boston Scientific need not provide testimony related to any specific pricing or customer information. Topic 3 was additionally limited to those purchasing programs or offers made available by Boston Scientific between January 1, 2015 and the present. To be clear, the limitation to the present means that Boston Scientific need only testify up to those purchasing programs and offers it currently makes available. Boston Scientific need not provide "forward-looking" testimony about any purchasing programs or offers it may be contemplating or which may be forthcoming in the future. It was further ordered that testimony on Topic 3 shall be designated as "Highly Confidential" under the existing protective order and deposition protocol in the California antitrust case to protect the confidential, commercially sensitive information responsive to this topic.

Motions taken under advisement as of:

☐ ORDER TO BE ISSUED ☒ NO ORDER TO BE ISSUED ☐ R&R TO BE ISSUED ☐ NO R&R TO BE ISSUED

☐ Exhibits retained by the Court ☐ Exhibits returned to counsel

s/Emily

Law Clerk to Magistrate Judge Leung